

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

Catherine Deegan Patterson, *et al.*

Plaintiffs,

V.

United States of America, *et al.*

Defendants.

CIVIL ACTION NO. 04-11817 JLT

UNITED STATES' MOTION TO DISMISS

Defendant, United States of America, by and through undersigned counsel, hereby moves under Federal Rule of Civil Procedure 12(b)(1) to dismiss Plaintiffs' Complaint for lack of subject matter jurisdiction. The grounds for this motion are set forth fully in the attached memorandum of law in support of the United States' motion. A proposed order is also attached.

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Respectfully submitted,

PETER D. KEISLER
Assistant Attorney General

PHYLLIS J. PYLES
Director, Torts Branch

/s/Bridget Bailey Lipscomb
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Dated: November 22, 2004

Attorneys for the United States of America